

REMARKS

The above amendment is made in response to the Final Office action of September 5, 2006. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1 and 3-10 have been amended and claims 2 and 11-23 have been canceled. Claims 1 and 3-10 remain pending in the present application. No new matter has been added.

Claim Rejections Under 35 U.S.C. §112

The Examiner has rejected claims 3, 4, 6, 7, 9, 10, 13, 14, 15 and 17 under 35 U.S.C. 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that in claims 3, 4, 6, 7, 10 and 13-15 the addition of the word "type" to an otherwise definite expression extends the scope of the expression so as to render it indefinite because it is unclear what "type" is intended to convey. Claim 17 stands rejected because it is dependent upon a rejected claim 3.

First, it is respectfully noted that claims 13-15 and 17 have been canceled thus rendering any rejection thereto moot.

Second, it is respectfully noted that claims 3, 4, 6, 7, 9 and 10 have been amended to delete recitation of "-type" therein

Based on the above amendment, claims 3, 4, 6, 7, 9 and 10 are believed to satisfy 35 U.S.C. §112, second paragraph.

Accordingly, Applicants believe that the pending claims 1 and 3-10 particularly point out and distinctively claim the subject matter which Applicants regard as the invention. Applicants respectfully request that the rejections under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim Rejections Under 35 U.S.C. §103

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time

of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, even assuming that all elements of an invention are disclosed in the prior art, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q. 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In re Skill*, 187 U.S.P.Q. 481 (C.C.P.A. 1975).

Claims 1-23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yoo et al. (U.S. Patent No. 6,593,020, hereinafter "Yoo") in view of Shiratori et al. (U.S. Patent No. 5,368,951, hereinafter "Shiratori"). Applicants respectfully traverse for at least the reasons set forth below.

The Examiner states that Yoo discloses all of the elements of claims 1, 2, 4, 5, 8, 11, 12 and 16-23 except, *gas channels formed in an inner side and/or an outer side of the single cell*, which the Examiner further states is disclosed primarily in FIG. 1, column 2, lines 12-44 and column 3, lines 57-61 of Shiratori.

First it is respectfully submitted that claims 2 and 11-23 have been canceled rendering any rejection thereto moot.

Regarding claim 1, the Examiner states that Yoo et al. teaches all the limitations of claim 1 except for gas channels formed in an inner side and/or an outer side of the single cell, which the Examiner further states is disclosed in Shiratori et al.

Applicants have amended claim 1 as follows:

1. (Currently Amended) ~~A solid oxide fuel cell which is characterized in that a solid oxide fuel cell defined as a single cell having a fuel electrode, an electrolyte, and an air electrode is produced, wherein four sides or opposite two sides of corners of the a single cell are downwardly bent in an inverted U shape, and gas channels are integrally formed in an inner side and/or an outer side of at least one of said single cell fuel electrode, electrolyte and air electrode defining an inner side and/or an outer side of the single cell.~~

Amended claim 1 now recites, *inter alia*, wherein four sides or opposite two sides of corners of the single cell are downwardly bent in an inverted U shape, and **gas channels are integrally formed in at least one of said fuel electrode, electrolyte and air electrode** defining an inner side and/or an outer side of the single cell. [Emphasis added.] In other words, the gas channels are formed in at least one the fuel electrode, electrolyte and air electrode defining a side of the single cell such that gas channels and the single cell are integrally embodied.

In contrast, the ribbed distributors (5 and 6), which are designated as gas channels by the Examiner, are disposed on a surface of an air electrode (2) and a surface of a fuel electrode (3), respectively, such that the distributors, the air electrode, and the fuel electrode are embodied as separate parts. There is no disclosure or suggestion in Shiratori et al. of anything about **gas channels are integrally formed in at least one of said fuel electrode, electrolyte and air electrode** [defining the single cell], as claimed in amended independent claim 1.

Thus, Applicants submit that neither Yoo et al. nor Shiratori et al., alone or in combination, render obvious the subject matter of claim 1.

Claims 2-23 depend directly or indirectly from independent claim 1, and thus, include all the limitations of claim 1. Accordingly, the dependent claims are patentably distinct and non-obvious over the cited references for at least the same reasons as given above for claim 1.

Accordingly, Applicants respectfully request that the rejections of claims 1-23 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

Applicants respectfully submit that remaining limitations in the depending claims are similarly distinguishable from the cited references. In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

If there are any charges due with respect to this response, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number with any questions or comments regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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